

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BuDhaGirl, LLC,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. _____
	§	
Yiwushijulimaoyiyouxiangongsi and	§	
Ran Shaoxiong	§	
	§	
Defendants.	§	JURY DEMAND
	§	

ORIGINAL COMPLAINT

Plaintiff BuDhaGirl, LLC (“BuDhaGirl”), by and through its undersigned counsel of record, hereby files its Original Complaint (“Complaint”) against Defendant Yiwushijulimaoyiyouxiangongsi d/b/a Hengli Group selling BELLEXIXI brand on Amazon (“HG”) and Defendant Ran Shaoxiong (“Shaoxiong”) (collectively, “Defendants”), and would respectfully show the Court as follows:

PARTIES

1. Plaintiff BuDhaGirl is a Texas limited liability company, having a principal place of business at 1611 Dragon Street, Dallas, TX 75207.
2. Upon information and belief, Defendant HG is a Chinese company with a principal place of business at Cambodian Community, Bei yuan Street, Yiwu City, 322000, Zhejiang Province, China.

3. Upon information and belief, Defendant Shaoxiong is a Chinese national with a principal place of business at Cambodian Community, Beiyuan Street, Yiwu City, 322000, Zhejiang Province, China.

JURISDICTION

4. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 1338(a) because BuDhaGirl's copyright infringement claims and the violation of the Digital Millennium Copyright Act (DMCA) by the Defendants arise under the copyright laws of the United States, including 17 U.S.C. § 501 *et seq.*

5. The Court has personal jurisdiction over the Defendants because Defendants committed copyright infringement in the State of Texas by selling infringing products into Texas through distributor Amazon and by giving their express "consent to the jurisdiction of any judicial district in which Amazon may be found" in the relevant DMCA counter notifications. *See* Exhibit A, Defendants' DMCA Counter Notifications to Amazon. Amazon may be found in this District. The copyright infringement has damaged BuDhaGirl, a Texas limited liability company with its principal place of business located in Dallas County, Texas. The exercise of personal jurisdiction over the Defendants in the State of Texas in this case is authorized by Chapter 17 of the Texas Civil Practice and Remedies Code and does not offend traditional notions of fair play and substantial justice.

VENUE

6. Venue is proper in this District pursuant to 28 U.S.C. 1391(b) and (c) because (1) this action arises from torts committed by the Defendants in this District that have damaged BuDhaGirl in this District, (2) the Defendants executed DMCA counter notifications in which the Defendants gave their "consent to the jurisdiction of any judicial district in which Amazon may be

found,” (3) a substantial part of the events or omissions giving rise to this action occurred in this District, and (4) the Defendants are subject to personal jurisdiction in this District at the time this case is commenced.

FACTS

7. BuDhaGirl® was founded by Jessica Jesse in 2012 after a series of traumatic events involving her then teenage son. Jessica’s intention was to build a company that supported the power of mindfulness by turning routines into rituals through Mindful Glamour. She understood that this mission could best be accomplished through fashion. Through Jessica’s tireless efforts and devotion to the cause, BuDhaGirl has grown dramatically from its humble beginnings, yet still remains a small family-owned business.

8. BuDhaGirl owns the copyright in the iconic All Weather Bangle (“Work”), which was created in 2012 and which is registered at the U.S. Copyright Office (Registration No. VA0002196436):



SILVER ALL WEATHER BANGLES®



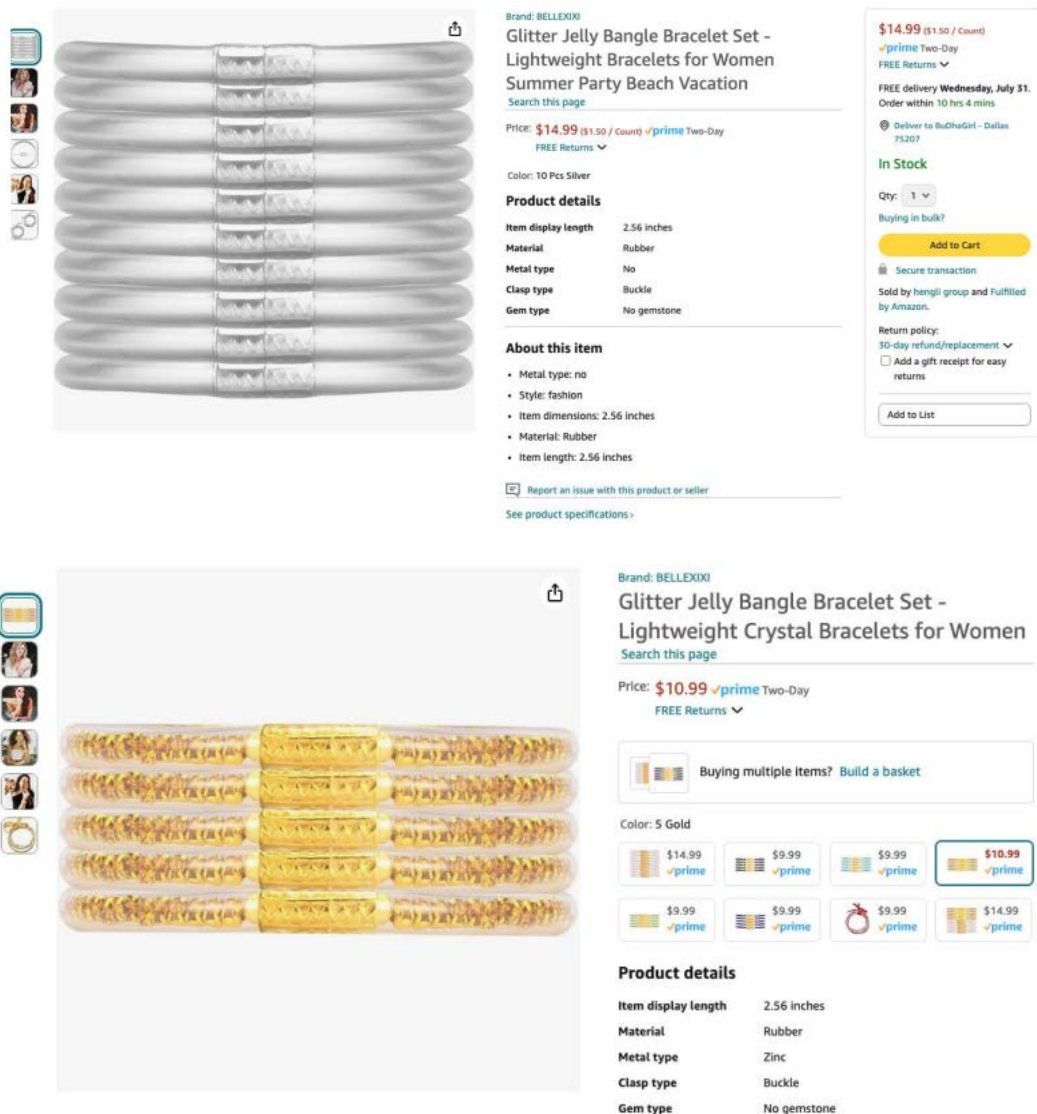
GOLD ALL WEATHER BANGLES®

See Exhibit B, All Weather Bangle Copyright Registration Certificate.

9. BuDhaGirl’s copyright in the Work is valid and subsisting, and has been valid and subsisting from the moment of its creation, and all conditions precedent to the filing of this action have occurred.

10. Defendants are not authorized or otherwise licensed to copy, distribute, make derivatives, or sell the Work in the United States.

11. Defendant sold infringing bangles identical or substantially similar to the Work (“Infringing Products”) on Amazon:



See Exhibit C, Defendants’ Infringement and Amazon Seller Information.

12. On or around July 29, 2024, BuDhaGirl filed DMCA notifications of claimed infringement of the Work by the Defendants with Amazon.

13. On or around August 3, 2024, Defendants sent Amazon DMCA counter notifications (“Counter Notifications”) that knowingly materially misrepresented under penalty of perjury that “the material identified in the Notice of Infringement was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.” *See* Exhibit A, Defendants’ DMCA Counter Notifications to Amazon.

14. Pursuant to 17 U.S.C. § 512(g)(3)(D), the Defendants’ Counter Notifications included the following identifying information:

Full Legal Name:	冉少雄 (Translation: Ran Shaoxiong)
Email Address:	j92c9@outlook.com
Mailing Address:	浙江省义乌市北苑 道畈东小区131幢1单元407 (Translation: Cambodian Community, Beiyuan Street, Yiwa City, 322000, Zhejiang Province, China)
Phone Number:	15958912531

See id.

15. Pursuant to 17 U.S.C. § 512(g)(3)(D), the Defendants’ Counter Notifications included the following statements:

Statement No. 1: I am located in the United States and I consent to the jurisdiction of the Federal District Court for the judicial district in which my address is located (OR) I am located outside of the United States and I consent to the jurisdiction of any judicial district in which Amazon may be found.

Statement No. 2: I agree to accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

Statement No. 3: I have a good faith belief that the material identified in the Notice of Infringement was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.

Statement No. 4: I declare under penalty of perjury under the laws of the United States of America that this Counter-Notification and all statements therein are true and correct.

Statement No. 5: I ACKNOWLEDGE THAT PROVIDING FALSE STATEMENTS IN A COUNTER-NOTICE MAY LEAD TO CIVIL PENALTIES OR CRIMINAL PROSECUTION.
See id.

CAUSES OF ACTION
COUNT I – COPYRIGHT INFRINGEMENT

16. BuDhaGirl incorporates and adopts by reference Paragraphs 1-15 of the Complaint as if fully set forth herein.

17. BuDhaGirl is the owner of a registered copyright in the Work. *See* Exhibit B, Copyright Registration Certificate.

18. Defendants infringed the Work by copying, distributing, making derivatives, and/or selling the Infringing Products on Amazon. *See* Exhibit C, Defendants' Infringement and Amazon Seller Information.

19. The acts of infringement by Defendants have caused damages to BuDhaGirl, and BuDhaGirl is entitled to recover from Defendants the damages sustained by BuDhaGirl as a result of the wrongful acts in an amount subject to proof at trial. Defendants' infringement of BuDhaGirl's exclusive rights under 17 U.S.C. § 106 will continue to damage BuDhaGirl's business, causing irreparable harm (including loss of market share), for which there is no adequate remedy at law, unless they are enjoined by this Court.

COUNT II – MISREPRESENTATION UNDER 17 U.S.C. § 512(f)

20. BuDhaGirl incorporates and adopts by reference Paragraphs 1 - 19 of the Complaint as if fully set forth herein.

21. On or around July 29, 2024, BuDhaGirl filed DMCA notifications of claimed infringement of the Work by the Defendants with Amazon.

22. In each of its Counter Notifications, Defendants declared under penalty of perjury that they had “a good faith belief that the material identified in the Notice of Infringement was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.” *See* Exhibit A, Defendant’s DMCA Counter Notificati~~osn~~ to Amazon.

23. Defendants knowingly materially misrepresented that the “material . . . was removed or disabled by mistake or misidentification,” and therefore, Defendants have violated 17 U.S.C. § 512(f).

24. As a result of this misrepresentation, BuDhaGirl is entitled to damages, including costs and attorneys’ fees. *See* 17 U.S.C. § 512(f).

JURY DEMAND

BuDhaGirl demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, BuDhaGirl respectfully prays that a final judgment be entered, and that the following relief be granted:

(1) Ordering an accounting by Defendants of their activities in connection with their infringement of BuDhaGirl’s copyrighted Work, including their gross profits and income generated as a result of their infringing activities;

(2) Ordering and adjudging that BuDhaGirl have and recover from the Defendants actual damages plus the Defendants' profits, costs of suit, lost profits, and pre-judgment and post-judgment interest as allowed by law for the acts of copyright infringement;

(3) At BuDhaGirl's election, pursuant to 17 U.S.C. § 504(c), order and adjudge that BuDhaGirl have and recover from the Defendants statutory damages for each violation of 17 U.S.C. § 501 in the sum of not less than \$750 and not more than \$30,000, and not more than \$150,000 if the Defendants' infringement is found to be willful;

(4) Ordering preliminary and permanent injunctions enjoining the aforesaid acts of copyright infringement by the Defendants, their officers, agents, servants, employees, subsidiaries and attorneys, and those persons acting in concert with them, including related individuals and entities, customers, clients, and representatives;

(5) Awarding attorneys' fees and costs of suit to BuDhaGirl pursuant to 17 U.S.C. § 505 or as otherwise permitted by law against the Defendants;

(6) Awarding BuDhaGirl damages, including costs and attorneys' fees, caused by Defendants by their misrepresentation under 17 U.S.C. § 512(f); and

(7) Awarding BuDhaGirl such other and further relief as this Court deems just and proper.

Dated: August 15, 2024

Respectfully submitted,

s/ Michael B. Regitz

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